

REMARKS

Summary of Office Action

Claim 1-2 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-2 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by McNally et al. (U.S. Patent No. 6,549,932).

Claims 1-2 and 4-6 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Garg et al. (U.S. Patent No. 6,834,303).

Claim 3 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over McNally et al.

Summary of Amendment

Claims 1-3 are cancelled. Claims 7-9 are newly added. No new matter has been added. Claims 4-9 are pending for consideration.

All Claims Comply with 35 U.S.C. § 112

Claim 1-2 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully disagree. However, in the interests of furthering prosecution, claims 1-2 have been cancelled, and claims 8-9 have been added.

All Claims Are Patentable

Claims 1-2 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by McNally et al. Claims 1-2, and 4-6 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Garg et al. Claim 3 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over McNally et al. Applicants respectfully traverse.

Claims 1-3 have been cancelled. New claims 7-9 have been added. Support for these claims are found throughout the specification as originally filed such as, for example, in paragraphs [0031] through [0033] and paragraphs [0140] through [0143] of the specification as originally filed. Therefore, no new matter has been added.

To the extent applicable, Applicants respectfully submit that McNally et al. and Garg et al. fail to teach or suggest new claims 7-9. For example, independent claims 7-9 recite, in part, 1) a manager object including a plurality of worker threads operating in parallel, a request queue, and a result queue, 2) a plurality of request objects, and 3) the manager object configured to receive each of the plurality of request objects, to organize each of the request objects in the request queue, and to distribute each of the request objects in the request queue to one or more of the plurality of worker threads. However, none of the cited sections of McNally et al. and Garg et al. teach or suggest these features.

The Office Action asserts that while McNally et al. does not explicitly disclose a request and result queue, McNally et al. allegedly discloses that requests and results are placed into a list. (See paragraph [0018] of the Office Action; column 5, lines 57-60 of McNally et al.) According

to the Office Action, “[i]t would have been obvious to one of ordinary skill in the art at the time of the invention to have used either a list or queue for organizing requests in McNally’s invention.” (See paragraph [0019] of the Office Action.) Applicants respectfully disagree.

The list described in McNally et al. is not a request queue or a result queue as recited in claims 7-9. The manager object including a request queue and a result queue of claims 7-9 allows for the separation and coordination of synchronous and asynchronous operations to significantly improve the speed of discovery of active devices on a network. (See paragraph [0048]-[0049] of the originally filed specification.) In contrast, the list disclosed in McNally et al. is an endpoint list that keeps track of every endpoint in a managed network region, and is not used by a manager object in the manner recited in claims 7-9. Accordingly, Applicants respectfully submit that McNally et al. fails to teach or suggest at least, 1) a manager object including a plurality of worker threads operating in parallel, a request queue, and a result queue, 2) a plurality of request objects, and 3) the manager object configured to receive each of the plurality of request objects, to organize each of the request objects in the request queue, and to distribute each of the request objects in the request queue to one or more of the plurality of worker threads.

Furthermore, it was not obvious at the time of the claimed invention to modify McNally et al. to include a request queue or a result queue as claimed. A person having ordinary skill in the art at the time of the claimed invention would not have considered adding a request queue or a result queue because it was unnecessary. McNally et al. was focused on conventional network discovery mechanisms using discovery agents to identify endpoint machines for task deployment

and not the separation and coordination of synchronous and asynchronous operations to significantly improve the speed of discovery of active devices on a network through the use of a manager object including a plurality of worker threads operating in parallel, a request queue, and a result queue. (*See McNally et al.*, Abstract.)

Independent claims 4-6 recite, in part, “receiving based on the device architecture indicated in the response, one or more scripts that request additional information about the device, wherein the scripts are customizable and executed outside the program.” This feature is advantageous over conventional discovery systems because it allows a discovery operation to build upon certain information received from a discovered device and receive a script relevant to the received information, which can, for example, be executed, and cause a further request for additional information to be sent to the active device.

It is well settled that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

Verdegaal Bros. v. Union Oil Co. of California. 814 F.2d 628, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). (*See also* MPEP § 2131.)

The Office Action relies upon Garg et al. to allegedly teach the features of claims 4-6 discussed above. However, Garg et al. does not teach at least “receiving based on the device architecture indicated in the response, one or more scripts that request additional information about the device, wherein the scripts are customizable and executed outside the program” and “executing the scripts” as recited in claims 4-6.

In particular, the Office Action relies upon Garg et al., column 7, line 55 to column 8, line

3, to teach “receiving based on the device architecture indicated in the response, one or more scripts that request additional information about the device, wherein the scripts are customizable and executed outside the program.” The cited portions of Garg et al., however, disclose the use of various messages (*i.e.*, Discovery.Request 660, Discovery.Reply 665, Hint.Request 670, Hint.Reply 675, and Discovery.Alive 680) sent from/to a coordinator agent 320 to/from a participant agent 330 or a monitor 350 to carry out auto discovery of a service. However, the reply messages (*e.g.*, Discovery.Reply 665, Hint.Reply 675, and Discovery.Alive 680) received by the coordinator agent 320 from the participant agent 330 or a monitor 350 are not used to then *receive, based on a device architecture contained in a reply message (i.e., response), one or more scripts that request additional information about a device.* Furthermore, the cited portions of Garg et al. do not disclose that “the scripts are customizable and executed outside the program.” Accordingly, Applicants respectfully submit that Garg et al. fails to teach all of the features of claims 4-6 for at least the reasons discussed above.

Hence, Applicants respectfully request that the §102 and § 103 rejections be withdrawn.

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CONCLUSION

In view of the foregoing, reconsideration and timely allowance of the pending claims are respectfully requested. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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